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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: ZOOM VIDEO COMMUNICATIONS,
INC. PRIVACY LITIGATION

This Document Relates To: All Actions

Master File No. 5:20-cv-02155-LHK

RESPONSE IN SUPPORT OF APPLICATION
FOR APPOINTMENT OF THE WOLFSON-
MOLUMPHY TEAM AS INTERIM CO-
LEAD COUNSEL AND PLAINTIFFS'
STEERING COMMITTEE

1 Nine applications were filed seeking appointment as interim lead counsel. The California-based
 2 Wolfson-Molumphy Team stands apart based on its unique composition, experience and resources, and
 3 will best represent the proposed class, consistent with Rule 23(g)'s relevant factors.

4 **1. Experience Litigating California Claims At Issue**

5 As shown in the application, the Wolfson-Molumphy Team has decades of experience leading
 6 consumer class action litigation in general, and privacy class actions in particular. *See* Team Resumes,
 7 Exhibits 1-4 (ECF 74-1 to 74-4).

8 California is the epicenter of this case. Zoom is based in San Jose, California, just a short
 9 distance from this Courthouse, and the conduct at issue here emanated from its California operations.
 10 Zoom's customer agreement also has a California forum selection clause (Santa Clara County Superior
 11 Court or the Northern District of California), and various terms and conditions that will undoubtedly
 12 require the application of California law. Not surprisingly, virtually every complaint asserts California-
 13 based causes of action, including violations of California's Consumer Privacy Act, Consumers Legal
 14 Remedies Act, and Unfair Competition Law. However, unlike the majority of other applicants, the
 15 Wolfson-Molumphy Team members are all California attorneys who have spent their entire careers
 16 applying California law to California claims in California state and federal courts.¹

17 **2. Identification of Potential Claims/Quality of Plaintiffs and Pleadings**

18 While all applicants emphasized their impressive backgrounds, other than the Wolfson-
 19 Molumphy Team, few discussed their work in *this* case to investigate and identify potential claims most
 20 likely to succeed. The Team's detailed complaints demonstrate the work it has already performed on
 21 behalf of plaintiffs committed to representing the vast nationwide class of Zoom users whose personal
 22 information was used without informed consent, those whose meetings were exposed to third-party
 23 invaders in a phenomenon now known as "Zoom bombing," users who purchased a Zoom subscription
 24 based on the false promise of end-to-end encryption technology, and even claims of minors based on
 25 violations of the Children's Online Privacy Protection Rule.

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 28 ¹ While other applicants propose representing subclasses of different states or claims against other
 defendants, the Wolfson-Molumphy Team believes that the epicenter of the class's claims are against
 Zoom under California law. In the event discovery indicates otherwise, the Court can re-visit the
 necessity of appointing separate counsel for those subclasses at that time.

3. Diversity and Experience of Attorneys

The Wolfson-Molumphy Team presents a diverse team that will benefit the proposed class, including members of different genders, racial and ethnic identities, national origins, age, and life experiences. Wolfson founded and established one of the nation's most prominent woman-led national class action firms. She also has decades of experience in privacy litigation, and her work has literally helped shape privacy law precedent, including groundbreaking arguments on standing that have been adopted by courts across the country. She has led every aspect of major privacy class actions from pleadings through class certification, including uncovering technical facts with forensic experts, proposing damages models with damages experts, and negotiating settlements now regarded as industry standards. Similarly, Molumphy, a partner at CPM, has experience leading some of the largest class actions across the country, including *In re Apple Inc. Device Performance Litigation*, where he led arguments regarding motions to dismiss, discovery, and settlement negotiations. Molumphy served as co-lead counsel in the state court *Yahoo!* derivative action, won permission to take expedited discovery from Yahoo!'s CISO and members of its highest management, and ultimately negotiated a settlement providing substantial monetary payment and disclosures. Similarly, Rachele Byrd, a managing partner of Wolf Haldenstein's San Diego office, and Albert Chang, with Bottini & Bottini, bring years of complex litigation experience, including prominent roles in data breach class actions, and diverse personal and professional backgrounds. And all Team members have prior experience working with each other in leadership roles.

4. Unique Resources and Ability to Maximize Efficiencies

The Wolfson-Molumphy Team members, individually and collectively, are fully willing and capable of committing sufficient resources to represent the class. Molumphy, and his client, St. Paulus Church, are also located in this District, and close to both Zoom and its San Francisco-based counsel, reducing the inefficiencies and expense of travel. Finally, Wolfson and Molumphy are familiar with this Court's expectations on efficiency, including the central role of lead counsel to closely supervise attorney time, and have successfully done so in other cases in this District.

Respectfully submitted,

Dated: June 12, 2020

/s/ Tina Wolfson

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